

FILED

FEB 22 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CYRUS YOO KIM,

Plaintiff - Appellant,

v.

WASHINGTON STATE DEPARTMENT
OF LICENSING; FRED E. STEPHENS,
Agency Director,

Defendants - Appellees.

No. 05-35818

D.C. No. CV-05-00477-RSM

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Cyrus Yoo Kim appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging defendants violated his civil rights by

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

suspending his driver's license due to his failure to obtain insurance. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Montana v. Goldin (In re Pegasus Gold Corp.)*, 394 F.3d 1189, 1193 (9th Cir. 2005), and we affirm.

The district court properly concluded that Kim's claims against the Washington State Department of Licensing and its director were barred by sovereign immunity. *See id.* at 1195 (state agencies are protected by Eleventh Amendment immunity); *see also Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 101 (1984) ("The Eleventh Amendment bars a suit against state officials when the state is the real, substantial party in interest.") (internal quotations omitted).

The remaining contentions lack merit.

AFFIRMED